

Application Serial No.: 10/044,913
Attorney Docket No.: 042846-0313082
Pre-Appeal Brief Request for Review

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: Confirmation Number: 4962
GOODWIN, James P.

Application No.: 10/044,913 Group Art Unit: 2178
Filed: January 15, 2002 Examiner: Kyle R. Stork
Title: SYSTEM AND METHOD FOR USING XML TO NORMALIZE DOCUMENTS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Advisory Action mailed August 19, 2005, Applicant requests review of the final rejection in the above-identified application. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided in the Remarks beginning below. A total of 5 pages are provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (*Ref. No. 042846-0313082*).

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Remarks

Claims 1-20 are pending in this application. No claims are amended, added, or cancelled by this paper. In view of the following remarks, allowance of all the claims pending in this application is requested.

Rejections Under 35 U.S.C. § 102(e)

Claims 1, 6, 11, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hurwood et al., U.S. Patent 6,772,137 ("Hurwood"). Applicant does not agree with all of the Examiner's characterizations of Hurwood. Specifically, the Examiner fails to show that Hurwood discloses each and every claim feature and required for an anticipation rejection.

Claim 1 recited, among other things, "determining, from the plurality of object types, the one or more object repository types that store at least one object, wherein the object comprises metadata." Hurwood fails to disclose at least this feature.

The invention is directed to a system and method for normalizing documents using extensible markup language (XML). In an exemplary embodiment, a work request may be processed by determining a repository type from which information content is gathered (*see* Specification at page 10, lines 13 and 14). The repository type may include one of a plurality of possible types, such as, for example, Lotus Notes, Lotus QuickPlace, Domino.doc, electronic mail, web and file system, etc. (*see* Specification at page 4, lines 22 and 23).

Hurwood, on the other hand, appears to describe a system and method for managing objects in an online analytical processing system. According to one disclosed embodiment, it appears that Hurwood's disclosed system enables a user to submit a data query and the system determines whether the query is in an appropriate format to be processed by one or more data storage devices (*see* Hurwood, column 3, lines 26 – 55). Once a valid search request has been received that is in the proper format, the query may be passed to one or more of the data storage devices (Hurwood, column 4, lines 4-7). The query results may then be passed to an analytical engine for statistical processing,

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wherein the analytical engine may generate a quantitative report (Hurwood, column 4, line 42 – column 5, line 2).

According to another embodiment of Hurwood, apparently reports may be created and users may subscribe to a service to have reporting information delivered to them (Hurwood, column 2, lines 37-43). Apparently, a reporting system enables the creation of objects which may be stored in a single object repository. User's may access the objects in the repository through one or more user interfaces (Hurwood, column 8, line 66 – column 9, line 40). Apparently, the objects may include XML documents.

The Examiner alleges that Hurwood discloses "determining, from the plurality of object types, the one or more object repository types that store at least one object, wherein the object comprises metadata" by referring to the following citations within Hurwood: column 2, line 57 – column 3, line 9; column 3, lines 28-40; column 3, line 56 – column 4, line 3; and column 6, lines 24-28. However, these cited portions appear to describe a process for determining whether a query is properly formatted in order to submit a query against data in one or more storage devices. Furthermore, Hurwood's citation to objects comprising metadata refers to the objects stored in a single object repository as a part of the reporting system.

The Examiner appears to be equating the process of determining whether a query is properly formatted with determining one or more object repository types that stores at least one object, as claimed in claim 1. However, Hurwood does not teach or suggest determining which of a plurality of object repository types stores an object. In fact, Hurwood does not even disclose a plurality of object repository types.

For at least the foregoing reasons, the rejection of claim 1 must be withdrawn. Independent claims 6, 11, and 16 recite similar features to those described above in reference to claim 1, and withdrawal of the rejection of these claims is also requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 2-4, 7-9, 11-14, and 17-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hurwood in view of Shanahan, EP publication number 1123356 ("Shanahan"). The Examiner admits that Hurwood fails to specifically disclose

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the additional features provided by these claims and relies on Shanahan to overcome these deficiencies. However, even if Shanahan did disclose these features, the combination of Hurwood and Shanahan does not teach or suggest determining, from the plurality of object repository types, the one or more object repository types that store at least one object, wherein the object comprises metadata. As such, claims 2-4, 7-9, 11-14, and 17-19 are allowable over the cited references. Withdrawal of the rejection of these claims is requested.

Claims 5, 10, and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hurwood, in view of Summerlin, U.S. Patent No. 6,553,365 ("Summerlin"). The Examiner admits that Shanahan is deficient at least for failing to disclose a processor that comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine. The Examiner alleges that Summerlin discloses this feature and attempts to cure the admitted deficiency of Shanahan through combination with Summerlin. Summerlin is apparently drawn to a system for automatically classifying electronic documents that are candidates to become an official record (see Summerlin at the Abstract). However, even if the Examiner's allegation regarding the disclosure of Summerlin is accurate, Hurwood, Shanahan and Summerlin, both alone and in combination, do not teach or suggest determining, from the plurality of object repository types, the one or more object repository types that store at least one object, wherein the object comprises metadata. Since claims 5, 10, and 20 depend from independent claims 1, 6, and 16, respectively, these claims are allowable at least by virtue of dependency, as well as for the features that they add.

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If, for any reason, a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: October 3, 2005

Respectfully submitted,



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